

IV. REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 1-5, 7, and 8 have been amended, and no claims have been cancelled. Support for the amendments contained herein may be found in the specification as filed at page 10, line 9 *et seq.*; no new matter is contained herein. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious allowance of the claimed subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly lacking the necessary antecedent basis. Applicants have amended claim 3 herein, to recite “selecting the file having ~~the a~~ file name; if a hidden file does not exist, deleting the ~~second~~ file.” (Claim 3, lines 4-5.) Applicants respectfully submit that these amendments provide improved clarity and antecedent basis, and accordingly request withdrawal of the rejection under § 112.

In the Office Action, claim 7 is rejected under 35 U.S.C. § 101 as claiming software, which is allegedly per se non-statutory. Applicants have amended this claim herein to recite “a computer readable medium storing computer instructions, which when executed, enables a computer system to manage data using a file name on a computer system having a graphical user interface and a file system storing files with a file hierarchy...” (Claim 7, lines 1-4.)

Although claim 7 now recites a computer-readable medium, this claim is classified in the article of manufacture category of invention. Because claim 7 recites features similar to claim 1, such as entering a command from an application to create a file; displaying the file hierarchy;

allowing a user to select at least one folder; saving data in a first file having a file name in one selected folder; in each of the other selected folders, creating a shortcut file having a different file name from the first file and containing a pointer to the first file; creating a hidden file in the folder containing the first file, the hidden file containing a list of pointers to the shortcut files; and using the hidden file during file management operations to keep track of occurrences of the shortcut files in the file hierarchy, Applicants submit that these features are independent physical acts that manipulate data representing physical objects to achieve a practical application.

Because independent claim 7 thus falls within a statutory category enumerated in § 101 and not within a judicially created exception, and recites a practical application, Applicants submit that the claimed invention recites statutory subject matter. In light of the above, Applicants believe that all grounds of the § 101 rejection have been obviated, and respectfully request the withdrawal of the rejection of claim 7 under § 101.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolosky (US Pat. No. 6,477,544, hereinafter, “Bolosky”).

With respect to claim 1, Applicants have amended this claim herein, and respectfully submit that Bolosky neither teaches nor suggests each and every feature of the invention of claim 1. For example, Applicants submit that Bolosky does not teach or suggest a method for managing data using a file name on a computer system having a graphical user interface and a file system storing files with a file hierarchy, including the feature of “in each of the other selected folders, creating a shortcut file having a different file name from the first file and containing a pointer to the first file.” (Claim 1, lines 8-9.) At col. 5, lines 61-63, Bolosky teaches a single instance data store system wherein “an administrator user of a file server may place the links for many client users on each user’s private directory, while maintaining only one

instance of the file on the server.” Nowhere does Bolosky discuss different file names, or any motivation or utility for using the same. Further, the lack of this feature in Bolosky renders it a far less flexible and customizable system and method.

Applicants further submit that Bolosky neither teaches nor suggests the feature of “displaying the file hierarchy,” (claim 1, line 5), as asserted by the Office. Applicants respectfully submit that the use of a file manager and a goal of creating a “friendly graphical user interface” (Office Action, p. 5) do not teach or suggest actually displaying the file hierarchy.

In view of at least these deficiencies in the reference, as well as the amendments and arguments contained herein, Applicants submit that Bolosky does not teach or suggest each and every feature of the invention of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection under § 103(a).

With respect to claim 7, which is rewritten as an independent claim herein, Applicants note that this claim includes features similar in scope to those already addressed above with respect to claim 1. Further, the Office relies on the same arguments and interpretations of Bolosky as discussed above with respect to claim 1. To this extent, Applicants herein incorporate the arguments presented above, and respectfully request the withdrawal of the rejection of claim 7 for the above-stated reasons.

With respect to dependent claims 2-6 and 8, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claims 1 and 7, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to claims 2-6 and 8.

IV. CONCLUSION

Applicants respectfully submit that the Application as presented is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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